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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,912	10/29/2003	Kazushi Watanabe	01306.000110	4500

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EXAMINER

BRASE, SANDRA L

ART UNIT PAPER NUMBER

2852

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,912

Applicant(s)

WATANABE ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. Figures 14 and 15 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because: the inclusion of legal language, "said" appears on lines 5, 6, 7, 8, 10, 12, 13, 14, 15, 16 and 17; and the inclusion of too many spaces on line 9 of the abstract. Correction is required.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities.

On line 3 of claim 1, the plurality of spaces after "member" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Numagami et al. (US 6,044,237).

6. Numagami et al. (...237) disclose a developing apparatus comprising: a container (11a) containing a developing agent and having an opening; a developer bearing member (9c) provided at the opening of the container; a magnetic sealing member (14) magnetically restricting leakage of the developing agent out of an end of the developer bearing member in a longitudinal direction of the developer bearing member, the magnetic sealing member being formed at the end in the longitudinal direction of the developer bearing member as extending along a circumferential direction of the developer bearing member (col. 4, line 61 – col. 5, line 27; and figure 5); a sheet member (15) preventing the developing agent from leaking out of the opening of the container, the sheet member being attached along the longitudinal direction of the container forming the opening, the end in the longitudinal direction of a free end of the sheet member entering in a space between the developer bearing member and the magnetic sealing member (col. 5, lines 28-40); and an auxiliary member (31) holding a free end side of the sheet member around the magnetic sealing member (col. 6, lines 37-56), wherein the container is formed with, at a portion attaching to the sheet member, a recess into which the auxiliary

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member enters (figure 11). The auxiliary member has an elasticity (col. 6, lines 42-44). The free end side of the sheet member is in contact with the developer bearing member along the longitudinal direction (col. 5, lines 28-33).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Numagami et al. (US 6,044,237) in view of Numagami et al. (US 5,404,216).

10. Numagami et al. (...237) disclose the features as mentioned previously, but do not disclose the auxiliary member is in the shape of an L. Numagami et al. (...216) disclose a end seal member in the shape of an L. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the auxiliary member in the shape of an L, as disclosed by

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Numagami et al. (...216), since such a shape for an end seal that prevents leakage is well known in the art.

11. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Numagami et al. (US 6,044,237) in view of Sato et al. (US 6,356,723).

Numagami et al. (...237) disclose a developing apparatus comprising: a container (11a) containing a developing agent and having an opening; a developer bearing member (9c) provided at the opening of the container; a magnetic sealing member (14) magnetically restricting leakage of the developing agent out of an end of the developer bearing member in a longitudinal direction of the developer bearing member, the magnetic sealing member being formed at the end in the longitudinal direction of the developer bearing member as extending along a circumferential direction of the developer bearing member (col. 4, line 61 – col. 5, line 27; and figure 5); and a sheet member (15) preventing the developing agent from leaking out of the opening of the container, the sheet member being attached along the longitudinal direction of the container forming the opening, where the magnetic sealing member and the sheet member are overlapped with each other (col. 5, lines 28-40). An end in the longitudinal direction of a tip of the sheet member enters into a space between the developer bearing member and the magnetic sealing member (figures 11-13). However, Numagami et al. (...237) do not disclose the claimed double side adhesive tape. Sato et al. (...723) disclose a sealing member attached with double side adhesive tape (col. 6, lines 27-63), wherein an end in the longitudinal direction of the double side adhesive tape is in a letter L shape so as to adhere the required sealing members (figure 2A). It would have been obvious to one of ordinary skill in the art at the time of the invention to have

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the claimed double side adhesive tape, as disclosed by Sato et al. (...723), since it is well known in the art to use double side adhesive tape to adhere seals.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Numagami et al. (US 6,044,237) in view of Sato et al. (US 6,356,723) as applied to claim 5 above, and further in view of Karakama et al. (US 6,185,393).

13. Numagami et al. (...237) in view of Sato et al. (...723) disclose the features mentioned previously, but do not disclose the claimed elastic portion of the magnetic sealing member.

Karakama et al. (...393) disclose a magnetic sealing member including a magnetic portion (73 and 74) facing to a peripheral surface of the developer bearing member and an elastic portion (77) facing to a side of the container (col. 42, lines 54 – col. 43, line 2; and figure 46). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed elastic portion, as disclosed by Karakama et al. (...393), since such an elastic portion prevents toner leakage.

Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oguma et al. (US 5,790,923) and Numagami (US 6,336,015) disclose a developer seal.

Inquiry

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

February 10, 2005